**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**SIDE JURISDICTION**
**CRIMINAL APPLICATION NO.233 OF 2007**

Popat Sitaram Thorat ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri R.S.Kate, adv. for the Applicant.
Mr.S.R.Borulkar with Ms.R.M.Gadhvi, APP for the Respondent/State.

**CORAM: J.H.BHATIA, J.**
**DATE : 5th March, 2007.**

**P.C.:**

1. Heard Mr.Kate, the learned counsel for the applicant and Mr.Borulkar, the learned APP for the State. Perused the relevant police papers.

2. The present applicant, who is in custody since 23rd June, 2006 seeks to be released on bail in crime no.11 of 2005 of Baramati Taluka police station for the offences punishable under Sections 302, 201 read with Section 34 and 120B of the I.P.C.

3. Prosecution case in brief, is that on 4-4-2005 one Ramesh Khomane informed the police on telephone that one deadbody was lying near a bridge near Vanjarwadi at Baramati-Bhigwan road. On getting that information, API Chandrakant Jadhav went to the spot and found dead body

having injuries on the head. It was found that it was a dead body of one Dnyaneshwar C. Thorat. P.M.Report reveals that he had suffered several injuries particularly on head and the cause of death was cardio-respiratory failures due to head injury with haemorrhage. For quite a longtime there was no clue to the murder. However, during the investigation, it was revealed that the present applicant, who is real uncle of the deceased Dnyaneshwar was working as an agent for Life Insurance Corporation and he had taken 7 policies in the name of the deceased Dnyaneshwar. The total value of the 7 policies was about Rs.38 lakhs. The deceased was a poor person and his parents are also not financially well to do. It was further revealed that the present applicant had claimed amount of some of the insurance policies a few months after the death of the deceased Dnyaneshwar. It was also revealed that the present applicant had also taken similarly a number of policies for and in the name of one Durgesh. That person also died in mysterious accident sometimes prior to the death of the deceased Dnyaneshwar. In that case also the present applicant had taken and siphoned of much of the amount of insurance policy. According to the prosecution, the present applicant must have taken so many insurance policies in the name of deceased nephew Dnyaneshwar with intent to recover insurance

amount after the death of Dnyaneshwar and he himself might have committed his murder and tried to dispose off his body. It was revealed during the investigation that while the death had occurred on 4-3-2005, on the next day the present applicant had taken his car to a garage for servicing and repairs. At that time, blood was found on the back seat of the car. On enquiry by the attendant of the garage, the present applicant had told him that some accident had taken place and he had taken injured person in his car. But no such accident was revealed in which the present applicant might have offered his help.

4. The case is based on the circumstantial evidence only and taking into consideration the circumstantial evidence collected by the Investigation Officer as noted above, I find that it will not be in the interest of justice to grant bail. If it is granted, possibility of tampering with the prosecution evidence can not be ruled out.

5. Therefore, the application stands rejected.

**(J.H.Bhatia,J.)**